

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HEATH ERBERT, and TOPP'S
MECHANICAL, INC., a domestic
corporation,

Plaintiffs,

v.

KONECRANES STANDARD LIFTING
CORP., a foreign corporation, MORRIS
MATERIAL HANDLING, INC., a foreign
corporation, KONECRANES, INC., a
foreign corporation, BLACK AND
VEATCH CONSTRUCTION, INC., a
foreign corporation, and CASEY
INDUSTRIAL, INC., a foreign corporation,

Defendants.

4:10CV3196

MEMORANDUM AND ORDER

IT IS ORDERED:

- 1) Defendant Konecranes' Motion for Leave, (filing no. 63), is granted.
- 2) On or before June 25, 2012, Konecranes shall file its third party complaint, a copy of which is attached to its motion.
- 3) The clerk shall sign, seal, and return the attached summons to Konecranes counsel for service upon the Third Party Defendants Miron Construction Co. and Industrial Electrical Services, Inc., d/b/a Kayton Electric, Inc..

DATED this 18th day of June, 2012.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HEATH ERBERT and TOPP'S
MECHANICAL, INC., a domestic
corporation,

Plaintiffs,

-vs-

BLACK AND VEATCH CONSTRUCTION,
INC., a foreign corporation; and CASEY
INDUSTRIAL INC., a foreign corporation,

Defendants,

KONECRANES STANDARD LIFTING
CORP., a foreign corporation; MORRIS
MATERIAL HANDLING, INC., d/b/a
Konecranes Americas, a foreign
corporation; KONECRANES, INC., d/b/a
Crane Pro Services, a foreign corporation;

Defendants/Third-Party Plaintiffs

-vs-

PUBLIC POWER GENERATION
AGENCY, MIRON CONSTRUCTION,
CO., AND INTEGRATED ELECTRIC
SYSTEMS, INC., d/b/a Kayton Electric Inc.)

CASE NO. 4:10 CV-3196

**SUMMONS ON A THIRD-PARTY
COMPLAINT**

TO: Miron Construction Co.
Registered Agent: National Corporation Research, Ltd.
6003 Old Cheney Road
P. O. Box 6169
Lincoln, Nebraska 68501-0169

A lawsuit has been filed against Defendants, Konecranes Standard Lifting Corp., a foreign corporation; Morris Material Handling, Inc., d/b/a Konecranes Americas, a foreign

corporation; and Konecranes, Inc., d/b/a Crane Pro Services, a foreign corporation, who as Third-Party Plaintiffs are making a claim against you to pay part or all of what Defendants may owe to the Plaintiff, Heath Erbert.

Within 21 days after services of this summons on you (not counting the day you received it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) – you must serve on the Plaintiff and on the Defendant an Answer to the attached Third-Party Complaint or a Motion under Rule 12 of the Federal Rules of Civil Procedure. The Answer or Motion must be served on the Defendants or Defendants' attorney, who names and address are:

Stephen G. Olson, II
Kristina J. Kamler
ENGLES, KETCHAM, OLSON & KEITH, P.C.
1350 Woodmen Tower
Omaha, Nebraska 68102

It must also be served on the Plaintiffs' attorneys and the other Defendants' attorney, whose names and addresses are:

Kelly K. Brandon
Michael J. Dyer
10730 Pacific Street, Suite 111
Omaha, Nebraska 68114
Attorney for Plaintiff, Heath Erbert

Brett D. Chardavoyne
The Law Offices of Brett D. Chardavoyne, LLC
1660 Lincoln Street
Suite 1700
Denver, CO 80264
Email: chardavoyne@bdclawfirm.com

And

Matthew J. Buckley
HANSEN, LAUTENBAUGH LAW FIRM
1905 Harney Street
Suite 224
Omaha, NE 68102
Attorney for Plaintiff, Topp's Mechanical, Inc.

Bruce A. Smith
Woods & Aitken LLP
301 South 13th Street, Suite 500
Lincoln, Nebraska 68508
Email: BSmith@woodsaitken.com
Attorney for Defendants, Black and Veatch Corporation, Inc. and Casey Industrial, Inc.

If you fail to respond, judgment by default will be entered against you for the relief demanded in the Third-Party Complaint. You also must file the Answer or Motion with the Court and serve it on any other parties.

A copy of the Plaintiff's First Amended Complaint is also attached. You may – but are not required to – respond to it.

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk

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FOR THE DISTRICT OF NEBRASKA

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MECHANICAL, INC., a domestic
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-vs-

BLACK AND VEATCH CONSTRUCTION,
INC., a foreign corporation; and CASEY
INDUSTRIAL INC., a foreign corporation,

Defendants,

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CORP., a foreign corporation; MORRIS
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PUBLIC POWER GENERATION
AGENCY, MIRON CONSTRUCTION,
CO., AND INTEGRATED ELECTRIC
SYSTEMS, INC., d/b/a Kayton Electric Inc.)

CASE NO. 4:10 CV-3196

**SUMMONS ON A THIRD-PARTY
COMPLAINT**

TO: Industrial Electrical Services, Inc., d/b/a Kayton Electric, Inc.
Registered Agent: CT Corporation System
1024 "K" Street
Lincoln, NE 68508

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Kristina J. Kamler
ENGLES, KETCHAM, OLSON & KEITH, P.C.
1350 Woodmen Tower
Omaha, Nebraska 68102

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Michael J. Dyer
10730 Pacific Street, Suite 111
Omaha, Nebraska 68114
Attorney for Plaintiff, Heath Erbert

Brett D. Chardavoyne
The Law Offices of Brett D. Chardavoyne, LLC
1660 Lincoln Street
Suite 1700
Denver, CO 80264
Email: chardavoyne@bdclawfirm.com

And

Matthew J. Buckley
HANSEN, LAUTENBAUGH LAW FIRM
1905 Harney Street
Suite 224
Omaha, NE 68102
Attorney for Plaintiff, Topp's Mechanical, Inc.

Bruce A. Smith
Woods & Aitken LLP
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Email: BSmith@woodsaitken.com
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Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk